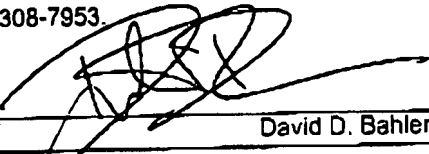


CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the Board of Patent Appeals and Interferences, Commissioner of Patents and Trademarks, at facsimile number 703/308-7952 or 703/308-7953.	
November 3, 2000 Date	 David D. Bahler

#33  
Response  
11/9/00  
yes

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Appellant:**

Shepherd, A.P., et al.

**Application No.:** 07/953,680

**Application Filing Date:** September 29, 1992

**For:** METHOD AND APPARATUS FOR  
DIRECT SPECTROPHOTOMETRIC  
MEASUREMENTS IN UNALTERED  
WHOLE BLOOD

**Appeal No.** 1997-3073

**Hearing Date:** Thursday, December 7, 2000

**Hearing Time:** 1:00 p.m.

**Hearing Room:** A

**Hearing Docket:** B

**Atty. Dkt. No.:** UTSK:142/BAH

BOARD OF PATENT  
APPEALS &  
INTERFERENCES  
NOV - 3 2000

**RESPONSE TO NOTICE OF HEARING  
AND  
REQUEST FOR EXTENDED ARGUMENT TIME**

**BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents

Washington, DC 20231

**Sir:**

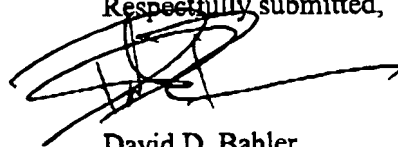
In reply to Notice of Hearing mailed October 18, 2000, Appellants submit herewith a response to Notice of Hearing *confirming* the hearing date and time of Thursday, December 7, 2000, at 1:00 p.m.

**Request for Extended Argument Time**

On May 8, 1997, Appellants filed a Reply Brief and Request for Oral Hearing and For Extended Argument Time. Appellants reurge their request for extended argument time, and respectfully request the Board to permit 40 minutes for Appellants' argument, rather than 20 minutes as prescribed by 37 C.F.R. § 1.194(c). Appellants note that, due to the complexity of the impending appeal, extra time is necessary in order to adequately respond to the myriad rejections imposed by the Examiner under 35 U.S.C. § 112, first and second paragraphs, § 132, and four independent rejections of all claims under various combinations of §§ 102, 103 and *res judicata*. The 42-page Final Office Action, 60 page Appeal Brief (including Appendix), and 50 page Examiner's Answer attest to the complexity of this appeal.

Should the Clerk of the Board believe a personal discussion would be helpful, the Clerk is invited to contact Appellants' representative at (512) 418-3005.

Respectfully submitted,



David D. Bahler  
Reg. No. 30,932

Attorney for Appellants

FULBRIGHT & JAWORSKI  
600 Congress Avenue  
Suite 2400  
Austin, Texas 78701

Date: November 3, 2000

**MAILED****OCT 18 2000**
**UNITED STATES DEPARTMENT OF COMMERCE**  
 Patent and Trademark Office

 ASSISTANT SECRETARY AND COMMISSIONER OF  
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 Washington, D.C. 20231

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 BOARD OF PATENT APPEALS  
 AND INTERFERENCES

 David D. Bahler  
 Arnold, White & Durkee  
 P.O. Box 4433  
 Houston, Texas 77210

 Appeal No:  
 Appellant:  
 Application No:  
 Hearing Room:  
 Hearing Docket:  
 Hearing Date:  
 Hearing Time:  
 Location:

Paper No: 31
1997-3073
Shepherd, A.P., et.al
07/953,680
A
B
Thursday, December 07, 2000
1:00 PM
Room 12C07
CRYSTAL GATEWAY 2
1225 Jefferson Davis Highway
Arlington, VA 22202

 #32  
 Conf  
 11/9/00  
 KES
**NOTICE OF HEARING****CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 1.194(a).

The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up.

The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced.

**CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.**

This form must be completed below and filed with the Board of Patent Appeals and Interferences preferably by facsimile within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this form may alternatively be filed by mail if facsimile is not available.

Failure to file this form within this time period will be construed as a waiver of the request for oral hearing.

37 CFR § 1.136(a) does not apply.

By order of the Board of Patent Appeals and Interferences

BPAI FAX No:

 (703) 308-7952 or (703)-308-7953  
 See 1108 Off. Gaz. Pat. Trademark  
 Office 15 (Nov. 14, 1989)

BPAI Mailing Address:

 BOARD OF PATENT APPEALS AND INTERFERENCES  
 COMMISSIONER OF PATENTS AND TRADEMARKS  
 WASHINGTON, D.C. 20231

Clerk of the Board (703)-308-9797

 BOARD OF PATENT  
 APPEALS &  
 INTERFERENCES

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:

- ☒
- HEARING ATTENDANCE CONFIRMED
- 
- ☐
- HEARING ATTENDANCE WAIVED

 Signature of Attorney/Agent/Appellant  
 David D. Bahler

11/3/00

Date

30,932

Registration No.

RECEIVED
Date(s) Docketed: 11-8-00
Confirmation or Waiver
Notice of Hearing
DEC. 7, 00 - 1 PM - Oral
OCT 25 2000
Client: UTSK 142
Attorney(s): WIM
Initials: CUC